

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOS SOUROVELIS, DOILA WELCH,
NORYS HERNANDEZ, and NASSIR
GEIGER, on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

CITY OF PHILADELPHIA; MICHAEL A.
NUTTER, in his official capacity as Mayor of
Philadelphia; PHILADELPHIA DISTRICT
ATTORNEY'S OFFICE; R. SETH
WILLIAMS, in his official capacity as District
Attorney of Philadelphia; and CHARLES H.
RAMSEY, in his official capacity as
Commissioner of the Philadelphia Police
Department,

Defendants.

Civil Action No. 2:14-cv-04687-ER

Assigned to the Honorable Judge Robreno

Special Management Track

**JOINT MOTION TO CERTIFY
SETTLEMENT CLASSES AND
PRELIMINARILY APPROVE
SETTLEMENT OF
PLAINTIFFS' FIRST AND SECOND
CLAIMS FOR RELIEF**

Pursuant to Federal Rule of Civil Procedure 23(e) and Local Rule 7.1, Plaintiffs Christos Sourovelis, Doila Welch, Norys Hernandez, and Nassir Geiger ("Named Plaintiffs"), Defendants City of Philadelphia, Mayor Michael A. Nutter, Police Commissioner Charles H. Ramsey ("City Defendants"), and the Philadelphia District Attorney's Office and District Attorney R. Seth Williams ("District Attorney Defendants"), (collectively, the "Parties"), respectfully submit this Joint Motion to Certify Settlement Classes and Preliminarily Approve Settlement of Plaintiffs' First and Second Claims for Relief.

In support of this Motion, and as set forth in more detail in the accompanying Proposed Settlement Agreement for Plaintiffs' First and Second Claims for Relief ("Proposed Agreement"), the Parties state as follows:

1. Over the course of the last six months, the Parties, by and through counsel, have engaged in settlement discussions concerning Plaintiffs' First and Second Claims set forth in Plaintiffs' First Amended Class-Action Complaint ("Amended Complaint").

2. Plaintiffs' First Claim for Relief alleges that Defendants' policies and practices related to applying for and obtaining *ex parte* "seize and seal" orders violate the Due Process Clause of the Fourteenth Amendment. *See* Am. Compl., ECF No. 40, ¶¶ 243–47; *see also* Proposed Agreement at 2–3.

3. Plaintiffs' Second Claim for Relief alleges that Defendants' policies and practices related to conditions imposed by the District Attorney Defendants in agreements to "unseal" real property following execution of a "seize and seal" order or in agreements to withdraw a forfeiture petition against real or personal property violate the Due Process Clause of the Fourteenth Amendment. *See* Am. Compl. ¶¶ 253–265; *see also* Proposed Agreement at 3–4.

4. The Proposed Agreement intends to set forth the full and final terms by which the Named Plaintiffs, on behalf of themselves and all members of the settlement classes defined therein, the City Defendants, and the District Attorney Defendants resolve Plaintiffs' First and Second Claims for Relief.

WHEREFORE, the Parties, by and through their counsel, respectfully request the Court to enter an Order:

A. Conditionally certifying the following settlement class for the First Claim for Relief under Federal Rule of Civil Procedure 23(a) and (b)(2):

all persons holding legal title to or otherwise having a legal interest in real property against which an *ex parte* "seize and seal" order is presently in effect, or will in the future be in effect, *see* Proposed Agreement § II D 1;

B. Appointing Christopher Sourovelis, Norys Hernandez, and Doila Welch as class representatives for Plaintiffs' First Claim for Relief;

C. Conditionally certifying the following settlement class for Plaintiffs' Second Claim for Relief under Federal Rule of Civil Procedure 23(a) and (b)(2):

all persons holding legal title to or otherwise having a legal interest in real or personal property against which a civil-forfeiture petition has been filed, or will in the future be filed, in the Court of Common Pleas of Philadelphia County and who entered into an unsealing agreement or a settlement agreement, *see* Proposed Agreement, § II D 2;

D. Appointing Christopher Sourovelis, Norys Hernandez, Doila Welch, and Nassir Geiger as class representatives for Plaintiffs' Second Claim for Relief;

E. Appointing the Institute for Justice as lead class counsel and David Rudovsky as local class counsel for Plaintiffs' First and Second Claims for Relief under Federal Rule of Civil Procedure 23(g);

F. Preliminarily approving the Proposed Agreement;

G. Directing notice to all settlement class members under Federal Rule of Civil Procedure 23(e)(1); and

H. Scheduling a hearing to determine that the Proposed Agreement is fair, reasonable, and adequate under Federal Rule of Civil Procedure 23(e)(2).

Dated this 22nd day of June, 2015.

Respectfully submitted,

For Plaintiffs

By: /s/ Darpana M. Sheth
INSTITUTE FOR JUSTICE
William H. Mellor*
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For the City Defendants

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For the District Attorney Defendants

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CERTIFICATE OF UNCONTESTED MOTION

I hereby certify that Counsel for all parties consent to the foregoing motion and requested relief.

/s/ Darpana M. Sheth
Darpana M. Sheth
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of June, 2015, a true and correct copy of the JOINT MOTION TO CERTIFY SETTLEMENT CLASSES AND PRELIMINARILY APPROVE SETTLEMENT OF PLAINTIFFS' FIRST AND SECOND CLAIMS FOR RELIEF and accompanying attachment was electronically filed using the Court's ECF system and sent via the ECF electronic notification system to the following counsels of record:

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